

REMARKS

Reconsideration of the above-identified application in view of the amendment above and the remarks below is respectfully requested.

No claims have been canceled or added in this paper. Claim 1 has been amended in this paper. Therefore, claims 1-9 and 17-19 are pending and are under active consideration.

Applicant wishes to thank Examiner Hruskoci for the courtesies extended to the undersigned in a telephonic interview which occurred on March 11, 2008. During said interview, a draft Amendment containing the claim amendments and arguments presented in this paper were discussed. Examiner Hruskoci informally indicated that the claim amendments appear to overcome the outstanding rejection.

Claims 1-9 and 17-19 stand rejected under 35 U.S.C. 102(b) "as being anticipated by Goetz 2,344,548." In support of the rejection, the Patent Office states the following:

It is submitted that Goetz appear to disclose (see pages 4-6 and Fig. 3) the process steps recited in the instant claims. With regard to claim 8, it is submitted that the treatment of water in sterilizing vessel 29 would appear to quench the base material.

Applicant argues that by virtue of the two-step process of the instant invention, slightly soluble noble metal salts or mixtures thereof are formed directly on a noble metal surface without interfaces between the noble metal and the noble metal salt and fresh noble metals may be supplied continuously to the surface without kinetic inhibition or hindrance by phase boundaries. It is noted that the formation of soluble noble metal salts without specific interfaces, and the supply of fresh noble metals are not recited in claim 1.

Applicant argues that claim 1 is neither anticipated by nor rendered obvious over Goetz because Goetz fails to teach or to suggest the second step of treating the oxidized noble metal surface with an aqueous salt solution. It is submitted that this step is taught on page 6 col. 2 lines 3-21 of Goetz, which discloses that the carrier

or sterilization system, whose surface has been oxidized and activated in tank 28, is treated in a cleaning tank 30 with potassium hydroxide. It is noted that instant claim 6 recites that the salt solution can be a hydroxide.

Applicant alleges that the process of Goetz always requires a step of cleaning the surface of any inactivation deposits after the sterilization step, and the instant process does not need re-activation and is maintenance-free. It is noted that the cleaning step of Goetz does not appear to be excluded from the instant claims. It is submitted that a sterilization step is not recited in the instant claims. It is further submitted that the subsequent treating step with an aqueous salt solution as recited in claim 1 is considered patentably indistinguishable from the cleaning step of Goetz. Furthermore, applicant has not presented sufficient factual evidence to support the above allegation.

Applicant respectfully traverses the subject rejection. Claim 1, from which claims 2-9 and 17-19 depend, has been amended herein and now recites “[a] process for producing a self-regulating sterilization system adapted for subsequent maintenance-free sterilization, said process comprising the steps of: (a) oxidizing a noble metal surface of a base material comprising noble metal in an acidic solution and then (b) treating the product of step (a) with an aqueous salt solution, whereby slightly soluble noble metal salts or a mixture of noble metal salts of different solubility products are formed on the noble metal surface, which salts have grown directly on the base material; (c) wherein steps (a) and (b) are performed prior to contact of the sterilization system with an item to be sterilized.”

Support for the above amendment to claim 1 may be found in the present specification, for example, at page 5, lines 19-26; at page 5, line 31, through page 6, line 9; and at page 11, lines 15-17.

Claim 1 is neither anticipated by nor rendered obvious over Goetz for at least the reason that Goetz does not teach or suggest a process for preparing a sterilizing system in which, **prior to contacting the sterilizing system with the item to be sterilized**, one oxidizes a noble metal surface of a base material comprising noble metal in an acidic solution and then treats the resultant product in an aqueous salt solution.

Instead, Goetz discloses, for example, in the embodiment of Fig. 3, a process in which three liquid containers are provided. The first container is for the activation of silver, the second container is for the use of the activated silver in sterilizing the desired liquid, and the third container is for cleaning any inactivating deposits that formed on the silver as a result of the use of the silver in sterilizing the liquid. The Patent Office is apparently taking the position that, because the third Goetz container contains potassium hydroxide, the claimed step of treating with an aqueous salt solution takes place. However, Applicant notes that claim 1, as herein amended, requires that said treating step take place before the sterilizing system is contacted with the item to be sterilized therewith. The newly-recited feature of treating with the aqueous salt solution prior to contacting with the item to be sterilized does not occur in Goetz because Goetz does not treat with the aqueous salt solution **until after the sterilization has already taken place**.

In addition, as noted in Applicant's previous Amendment, the sterilization system of the present invention is distinguishable over that of Goetz in that the sterilization system of the present invention does not need cleaning or activation and is self-regulating and maintenance-free. To the extent that the Patent Office's position is predicated on the fact that claim 1 did not recite the feature

of being "maintenance-free," Applicant notes that claim 1 has been amended herein to recite this feature.

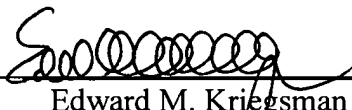
Accordingly, for at least the above reasons, the subject rejection should be withdrawn.

In conclusion, it is respectfully submitted that the present application is now in condition for allowance. Prompt and favorable action is earnestly solicited.

If there are any fees due in connection with the filing of this paper that are not accounted for, the Examiner is authorized to charge the fees to our Deposit Account No. 11-1755. If a fee is required for an extension of time under 37 C.F.R. 1.136 that is not accounted for already, such an extension of time is requested and the fee should also be charged to our Deposit Account.

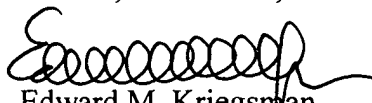
Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 17, 2008.


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